



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,438	09/11/2003	Branko D. Kovacevic	1376-0200220	7502
34456 7590 04/15/2008 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730				
EXAMINER				
BUL, BRYAN P				
ART UNIT		PAPER NUMBER		
2153				
MAIL DATE		DELIVERY MODE		
04/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,438

Applicant(s)

KOVACEVIC, BRANKO D.

Examiner

Bryan P. Bui

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) 15-45 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09/11/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-850a)
Paper No(s)/Mail Date 10/28/2004 and 01/29/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This following office action is responsive to Application No. 10/660438 filed on 09/11/2003, having claims 1-45 and Figures 1-11.
2. Applicant's preliminary amendment filed on 10/28/2004 to add the Cross-Reference to Related Applications to the specification has been received and entered into the record.

Election/Restrictions

3. Applicant's election of Group I (claims 1-14) in the reply filed on 01/29/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Status of Claims

Claims 1-14 are pending and have been examined.

Claims 15-45 are non-elected, therefore are not considered in this action.

Claims 1-14 are rejected for the reasons discussed in detail below.

Information Disclosure Statement

4. The information disclosure statements (IDS) submitted on 10/28/2004 and 01/29/2008 have been received and entered into the record. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to because FIG.7 and 8 indicates the following elements: FROM STEP 320 (FIG. 3), TO STEP 350 (FIG. 3), TO STEP 340 (FIG. 3), and MICROCODE ENGINE (131 OF FIG. 1), CHANNEL DATABASE(164 OF FIG. 1), MEMORY(160 FIG.1). However, there are no such elements depicted in FIG.1 and FIG.3. It seems applicant is referring to FIG. 5 and FIG. 7.

Figure 1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: packets 30,35 and 44; packs 10,11 and 12; a start code 21; and also 22,23, 40-49 (see p[0003]).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 2153

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

7. The preambles of claims 1 is objected to as being missing providing brief description of nature and intended use of designs in the claim embodiment, see 37. CFR 1.154(b)(1).

8. Claim 2 is objected to because of the following informalities:

a) The acronym "MPEG-2" should be changed to "Motion Picture Experts Group 2 (MPEG-2)".

b) The acronym "DVD" should be changed to "Digital Versatile Disk (DVD)".

c) The acronym "TV" should be changed to "Television (TV)".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C.112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 8 ,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "wherein the first set of descriptors includes a descriptor from the set of descriptors comprising a network identifier, multiplex information, and program information". There is no antecedent basis for the limitation "the set of descriptors" in the claim.

Claim 13 recites the limitation "*the memory*". There is no antecedent basis for this limitation in the claim. It seems applicant is referring to "memory" cited in claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US Patent No. 6,731,657 B1) (hereinafter "Anderson").

Regarding claim 1, Anderson teaches a method [an improved receiver that can receive and process many different data types in addition to decoding MPEG-2 transport stream] (col. 2, lines 19-21) comprising the steps of:

receiving a first data stream of multimedia data, wherein the multimedia data includes a first protocol and further wherein the first protocol is unknown (see col. 7, lines 17-20);

determining, based upon a first portion of the first data stream, the first protocol of the multimedia data (see col. 7, lines 21-33 together with Fig. 1&2: **Transport Demultiplexor W/BYPASS 102**)

10

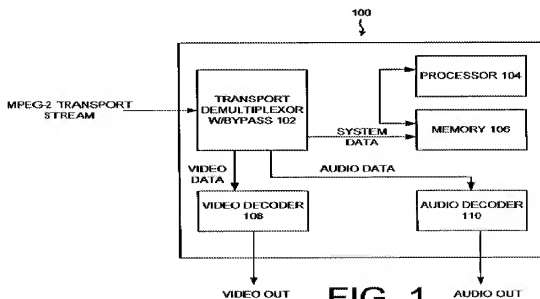


FIG. 1

Regarding claim 2, Anderson discloses "the first protocol is one of a set of predefined protocols comprising MPEG-2, Direct TV, and DVD protocols" (**MPEG-2 and non-MPEG-2 transport streams** and col.2 , lines 21-24).

Regarding claims 3, 4, 5, 6 and 7, Anderson discloses the claimed features of "storing a second portion of the first data stream in memory after the step of determining the first protocol" (claim 3), "the second portion of the first data stream is received after the first portion of the first data stream" (claim 4), "the second portion of the first data stream includes the first portion of the first data stream" (claim 5), "generating a database based on the second portion" (claim 6) and "parsing the second portion of the first data stream to determine a first set of descriptors associated with the first data stream"(claim 7) (see col.7, lines 48-67).

Regarding claims 8, 9 and 10, Anderson discloses the claimed features "the first set of descriptors includes a descriptor from the set of descriptors comprising a network identifier, multiplex information, and program information", "multiplex information includes transport stream identifiers and program identifiers" and "the program information includes program numbers, program recovery clock identifiers, video data identifiers and audio data identifiers"(see col.5, line 49 - col.6, line 21).

Regarding claims 11 and 12, Anderson discloses the claimed features of "the set of descriptors further includes elementary stream information and closed captioning information" and "the elementary stream information includes data stream types and elementary stream identifiers" (col. 4, lines 44-64 and col. 5, lines 20-32).

Regarding claim 13, Anderson discloses “the memory includes a frame buffer” (see Fig. 3, Packet Buffer and Buffer Control).

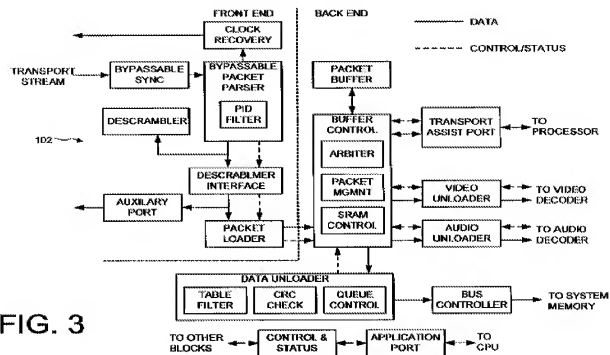
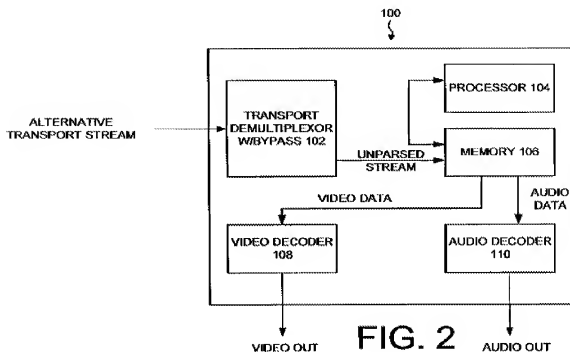


FIG. 3

Regarding claim 14, Anderson discloses the claimed features “receiving a second data stream of multimedia data, different from the first data stream, wherein the multimedia data of the second data stream includes a second protocol, different from the first protocol and further wherein the second protocol is unknown” and “determining, based upon a first portion of the second data stream, the second protocol of the multimedia data of the second data stream” (see col. 8, lines 6-22 and Fig. 2: Alternative Transport Stream).

**FIG. 2****Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foster et al (US Pat No. 7,024,685 B1)

Dieterich et al. (US Pat No. 6,950,447 B2)

Sodagar et al. (US PGPub No. 2002/0009232 A1)

Chow et al. et al. (US PGPub No. 2002/0120709 A1)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (571)-270-1981. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00

Art Unit: 2153

pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3909. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 1-(800)-786-9199 (in U.S.A or Canada) or 1-(571)-272-1000.

BB

/Yasin M Barqadle/

Examiner, Art Unit 2153

